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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,215	10/28/2003	Robert Wu	DEE-PT136	4940

3624 7590 11/17/2006

VOLPE AND KOENIG, P.C.  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

EXAMINER
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BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/695,215

Applicant(s)

WU, ROBERT

Examiner

Alain L. Bashore

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17, 22-40 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 16, 17, 22-28, 31, 32, 34-36 and 38 is/are rejected.
- 7) ☒ Claim(s) 4, 10-15, 24, 29, 30, 33, 37, 39 and 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of claims 1-17, 22-40 in the reply filed on 8-23-06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 18-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 16, 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 there is a period located after paragraph "h" [Please check grammar and punctuation in all claims].

In claims 1 and 16 there is recited a "first" substrate without any recitation to a second substrate, which is therefore vague and indefinite.

In claim 22 there is recited "third" and "fourth" anisotropy films without recitation to the "first" and "second", which is therefore vague and indefinite.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-9, 16-17, 22-28, 31-32, 34-36, and 38 rejected under 35 U.S.C. 103(a) as being unpatentable over DelPico et al in view of Mi et al and Stalder et al.

DelPico et al discloses a method for manufacturing an optical compensation film including: providing a substrate (112), forming a linear photo reactive polymer layer on the substrate (para 0037), exposing the layer in a transmissive or reflective polarized-light UV for forming a condensing electric field orientation layer along an axis. A UV light source emits light which is condensed by a condenser (para 0051; element 324)

DeLPico does not disclose:

forming a liquid crystal polymer layer on the condensing electrical filed orientation layer, heating the liquid crystal polymer layer, then exposing the liquid polymer layer forming an anisotropy film along the same axis;

forming a double optical-axis on separate layers in the x-axis and y-axis being further formed on a second layer of film to produce a first optical anisotropy film and a second optical anisotropy film.

Stalder et al discloses forming a liquid crystal polymer layer on the condensing electrical filed orientation layer, heating the liquid crystal polymer layer, then exposing the liquid polymer layer forming an anisotropy film along the same axis. Separate layers in the x-axis and y-axis are further formed on a second layer of film to produce a first optical anisotropy film and a second optical anisotropy film (col 6, lines 56-67; col 7, lines 1-29).

Mi et al discloses separate layers being further formed on a second layer of film (col 13, lines 33-57).

It would have been obvious to one with ordinary skill in the art to include forming a liquid crystal polymer layer on the condensing electrical filed orientation layer, heating the liquid crystal polymer layer, then exposing the liquid polymer layer forming an

anisotropy film along the same axis because Stalder et al teaches optical compensation films used with LCD systems (col 8, lines 65-67; col 9, lines 1-6).

It would have been obvious to one with ordinary skill in the art to include forming a double optical-axis on separate layers in the x-axis and y-axis being further formed on a second layer of film to produce a first optical anisotropy film and a second optical anisotropy film because Stalder teaches multiple axis configurations for LCD production (col 2, lines 4-31) and Mi et al teaches multiple film usage as known in the art (col 13, lines 33-57).

#### ***Allowable Subject Matter***

7. Claims 4, 10-15, 24, 29-30, 33, 37, 39-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Alain L. Bashore  
Primary Examiner  
Art Unit 1762